

07.11.2024
Item No. 1
PG/S.Banerjee
Ct. No.1

W.P.A.(P) 39 of 2021

**Sourav Dutta & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Babhru Bahan Bera
Mr. Avisek Chatterjeefor the Petitioners

Mr. Sarwar Jahan
Mr. Asraf Mandalfor the respondents 9 & 10

Mr. Nilotpal Chatterjeefor the State

1. By way of this public interest writ petition, the petitioners, who claim to be villagers, seek for cancellation of a patta granted in favour of the private respondents.
2. As rightly pointed out by the learned counsel appearing for the State, the concerned persons had already moved the Sub-Divisional Officer, Berhampore Sadar for annulment of patta. However, the petitioners were absent when the matter was heard on June 16, 2020 and therefore, the case was dropped by the said authority.
3. Under the provisions of the West Bengal Land Reforms Act, there is a procedure provided for annulment of patta and such matter cannot be adjudicated or decided in a writ petition that too by way of a public interest litigation.

4. Therefore, we grant liberty to the petitioners to approach the authority concerned for restoration of the application, which was dropped by order dated June 16, 2020 and upon such restoration, after notice to all parties, the competent authority shall take a decision on merits and in accordance with law.
5. The learned advocate appearing for the petitioners submit that the first petitioner was attacked and he was hospitalised for 17 days.
6. The first petitioner is at liberty to lodge a complaint before the jurisdictional police, who shall ascertain the threat perception and if it is found to be genuine, adequate protection be granted to the first petitioner at the cost of the first petitioner.
7. With the aforesaid directions, the writ petition is disposed of.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)